

**WILLIAMSBURG CITY COUNCIL
DECEMBER 11, 2003
MINUTES**

The Williamsburg City Council held its regular monthly meeting on December 11, 2003 at 2:00 p.m., in the Council Chambers of the Stryker Building.

ATTENDANCE

Present were Ms. Zeidler, Messrs. Haulman, Houghland, Scruggs, and Tabb. Also present were City Manager Tuttle, City Attorney Phillips, and City Clerk Crist.

Staff Attending: Department Heads Clayton, Nester, Hudson, Serra, Walentisch, Deputy Chief Sloggie, Deputy Chief Geddy, and Assistant City Manager Miller.

CALL TO ORDER

Mayor Zeidler called the meeting to order.

COUNCIL MINUTES

Mr. Houghland Moved Approval of the City Council Minutes of November 10 and 13, 2003, noting the correction to the minutes of November 10, first page, second paragraph, deleting the last sentence. The Motion Was Seconded by Mr. Tabb.

Recorded Vote on the Motion:

Aye: Haulman, Scruggs, Zeidler, Houghland, Tabb

No: None

SPECIAL PRIVILEGE

Presentation/Comprehensive Annual Financial Report for FY 03—Russell Meyers of Witt Mares Eggleston Smith PLC

Council members received a copy of the Financial Report, which was audited by Witt Mares Eggleston Smith PLC. Mr. Tuttle reported that the city's Finance and Audit Committee met on December 12 to review and approve the audit report.

Mr. Russell Meyers said that the Code of Virginia requires that the audit report must be presented to Council at a public meeting. This is the fifth year that his firm has done the audit report. The report reflected city operations and finds that the city is in sound financial condition and is in good financial control. The report provided for an unqualified opinion on compliance. Mr. Meyers thanked Mr. Serra and Ms. Herrick for their work.

Mayor Zeidler noted that the Finance and Audit Committee found this to be a clean audit. She noted that staff implemented the GASB 34 standards one year earlier than required.

Council members were appreciative of the report and the work of the auditors and staff.

Mr. Houghland Moved that City Council Accept the Comprehensive Annual Financial Report for FY 03. The Motion Was Seconded by Mr. Haulman.

Recorded Vote on the Motion:

Ayes: Haulman, Scruggs, Zeidler, Houghland, Tabb

No: None

Report on Fiscal Year 2003 Financial Status, Phil Serra, Finance Director

Mr. Tuttle introduced Mr. Serra to present the end of the year report.

Mr. Serra thanked Vicki Herrick for her work. Using an overhead presentation, he reviewed the following reports: General Fund Revenues by Source, Overview of revenue sources and amounts, Expenditures by Function, Expenditures in General, Salaries and Benefits, total General Fund Revenues and Expenditures (Including Capital Projects), General Fund Cash and Investments, and Budgeted versus Actual Results of Operations. (Attached)

Mr. Tuttle noted that the operating surplus is getting smaller each year.

The Mayor and Mr. Serra discussed the budget numbers for the school contribution. She noted that in past years, the city was not able to recover funds lost when an incorrect number of city students were reported to the state. According to the new school contract with the County, the city will pay a percentage of operating and capital costs.

Mr. Serra reported that he has not yet received the actuarial report regarding the city's contribution rate to Virginia Retirement System for city employees, although an increase is expected.

Mr. Serra and Council members discussed lack of liability on the city's part for the ICMA employee deferred compensation plan. Next year's property assessments, room and meal tax, and budget revenues were briefly discussed. Mr. Haulman commented that this report reveals two phenomena: the slacking economic recovery and the city's investments in its infrastructure during this period of time.

Mr. Tabb and Mr. Serra discussed the State Sales Tax Revenue distribution.

PUBLIC HEARING

School Board Applicants

Mayor Zeidler said that the public hearing to receive citizen comments about city school board applicants was been advertised in the local newspaper. Council will conduct interviews on Monday, December 15, and make the appointment on Friday, December 19. The State Code process requires that Council wait seven days after the public hearing before they make the appointment.

Mayor Zeidler opened the public hearing.

Mr. Trist McConnell (former Mayor), 16 Bayberry Lane, strongly recommended the appointment of Ms. Elise Emanuel. She has had an exemplary teaching career, leadership responsibilities, chaired and co-chaired many positions, and served on many boards. He could think of no one better qualified for the position.

Janet Fuchs, 21 Walnut Hills Circle, spoke in support of Elise Emanuel. She has known Ms. Emanuel for 34 years and has urged her to serve on the School Board. Her background, credentials, experience, and accomplishments make her a natural for the

position. Her character is exemplary. Ms. Emanuel is an outstanding advocate for students, and is especially concerned about the achievements of minority students.

Quincy Marrow, 3908 Pine Bluff Court, James City County, spoke in support of Elise Emanuel. He has known Ms. Emanuel for seven years and has witnessed her work with students, especially with his daughter. He wholeheartedly supported her candidacy.

Penny Pulley, 20 Mile Course, James City County, stated that the city's appointment of a school board member affects the entire School Board. In her opinion, the community wants a diverse board. She supported the candidacy of Mr. De'Johnette. He is a product of the Williamsburg area, and is an educated and motivated young man. He would be a good role model and good representative of the African-American community.

Arthur Mallory, 100 Sandy Point Ridge, James City County, represented the NAACP. Both are good candidates, but he was not endorsing either one. He was here to endorse vision, diversity, hope, inclusion, and solid principals, to name a few. He urged Council to give full measure to their decision, and to make sure it was the right decision for the children. He noted that the dynamics in schools are different today. This appointment is not a race issue but a sensitivity issue. It is a community and reality issue.

Kathy Short, 432 Zelkova Road, spoke in support of Elise Emanuel. Ms. Emanuel has made her mark. She exhibits experience, dedication, and service to the school system. She has known Ms. Emanuel for more than 30 years. Ms. Emanuel has been involved as a parent, teacher, and guidance counselor. She will support what is best for students. Ms. Short respectfully urged Council to appoint Ms. Emanuel to the School Board.

Jim McCord, 611 Richmond Road, read a letter from Ms. Esterine Moyler in support of Elise Emanuel. Ms. Emanuel will work hard for the School Board and can be trusted to do the right thing. Mr. McCord supported Ms. Emanuel's appointment. She was a teacher and guidance counselor, and works well with teachers and students. He served with her on the Thomas Nelson Community College board and said she was a conscientious and effective chairman. She helped lay the groundwork to bring Shirley Pippins to TNCC. He urged her appointment.

Mike Hallpin, 1203 Penniman Road, James City County, urged Council to appoint Elise Emanuel. She is direct, fair, knowledgeable, thoughtful, and careful.

Randy O'Neill, 109 Sheffield Road, James City County, encouraged Council to choose the best candidate. He supported Mr. De'Johnette because he is young, energetic, and is in today's classroom. Council's decision should best serve the kids.

Ruth Larson, 124 Old Meadows Road (JCC), Williamsburg-James City County PTA Council, recognized Ms. Carolee Bush as a wonderful member of the school board. She urged Council to take the time to make a wise decision. This is an exciting time for the community with the third high school and a new magnet school.

Hugh DeSamper, 103 Cedar Court, James City Council, spoke in support of Elise Emanuel. She is well educated. She is a parent, a teacher, a visionary, a leader, and a

coordinator. She has worked with many organizations and students. He hoped Ms. Emanuel would be appointed.

No one else wished to speak. The hearing was closed.

Mayor Zeidler said the applicants would be interviewed on Monday, December 15, 2003, at 3:00 p.m., and Council will meet again on December 19, 9:00 a.m., to make the appointment. She thanked everyone for his or her comments.

Receipt of Virginia Municipal League Insurance Program Platinum Star Certificate of Achievement

Ms. Crist explained that city employees are covered under the Virginia Worker's Compensation Law for injuries and illnesses incurred on the job. In accordance with the city's Personnel Manual, employees are encouraged to immediately report on the job injuries and illnesses to their supervisor, department head, or City Manager's Office. The information is then forwarded to VML, our insurance carrier. Platinum Star Member status is achieved when a member of VML Insurance Programs has no claims during the year or reports all claims within three days from the date of injury, which is the city's case. Ms. Crist said she was pleased to present the Certificate of Achievement Platinum Star Member Award to the Mayor and City Council for the period July 1 2002 through June 30, 2003.

Mayor Zeidler thanked Ms. Crist and city staff for prompt reporting.

REPORTS

Monthly Financial Statement

The Monthly Financial Report was received and ordered filed.

Mr. Tuttle reported on the cost of cleanup from Hurricane Isabel. While some money has been received from FEMA, it will take some time to get reimbursement funds from both FEMA and the State. Staff is completing project sheets for submittal to FEMA for work that has yet to be done.

Mr. Tuttle said the large amount of Sales Tax revenue reported was from back taxes that had been paid, and did not reflect a positive trend in that revenue.

Monthly Departmental Operating Reports

The Monthly Departmental Operating Reports were received and ordered filed.

Planning Reports

PCR #03-02: Amendment of the Chesapeake Bay Preservation Regulations to Bring Them Into Compliance with State Regulations (Article VIII of the Zoning Ordinance) Proposed Ordinance #03-01

Reference for this item was Mr. Nester's report dated December 11, 2003, which included a copy of the proposed ordinance.

Mr. Nester explained that the Chesapeake Bay Local Assistance Board adopted these changes to the State's Chesapeake Bay regulations in December of 2001. Localities are required to make changes to their ordinances by December 31, 2003. Council previously held a public hearing on this revised ordinance in February 2003 and deferred action on the ordinance until more information was received from CBLAD about interpretation of the new

regulations. Mr. Nester reviewed the map showing protected areas (blue) and resource protection areas (green). He briefly reviewed the technical changes to the ordinance noting that buffer area modifications have been revised, which would impact about 17 vacant lots in the city. The Planning Commission recommended that the revised regulations (Proposed Ordinance #03-01) be adopted by City Council.

Council members briefly discussed the regulations. Mr. Houghland noted that the city was a pioneer for these regulations. Council members were pleased with the review process.

Mr. Haulman Moved That City Council Adopt Proposed Ordinance #03-01, An Ordinance Amending the Code of the City of Williamsburg, Chapter 21, Zoning, Article I, Section 21-2, Definitions and Article VIII, Chesapeake Bay Preservation. The Motion was Seconded by Mr. Houghland.

Recorded Vote on the Motion:

Ayes: Haulman, Scruggs, Zeidler, Houghland, Tabb

No: None (SEE ATTACHED ADOPTED ORDINANCE #03-37)

City Manager Reports

Revision to City Investment Policy

Reference for this item was Mr. Tuttle's report dated December 4, 2003, which included a copy of the proposed revision and current investment policy. Mr. Tuttle said that Mr. Haulman, Mr. Russell Baker, and he are on the Investment Committee. They met with the investment advisors from Wachovia/Evergreen Investments to discuss the proposed revisions to the policy. The revisions are recommended in order to take advantage of investment opportunities in the marketplace. The Committee viewed these changes as a step to obtain more favorable yields without risking safety or liquidity. Mr. Tuttle highlighted the more significant changes to the policy.

Mr. Houghland, Mr. Serra, and Mr. Tuttle discussed the advisors' fees.

Mr. Haulman Moved that City Council Approve the Investment Policy Revisions Recommended by Wachovia/Evergreen Investments and the City's Investment Committee. The Motion Was Seconded by Mr. Tabb.

Recorded Vote on the Motion:

Ayes: Haulman, Scruggs, Zeidler, Houghland, Tabb

No: None

Mr. Houghland recommended that the date of adoption be reflected on the policy revision.

Hampton Roads Metropolitan Medical Response System—Proposed Resolution #03-22

- **Metropolitan Medical Strike Team Response Memorandum of Understanding**
- **Medical Response Mutual Aid Agreement**

Reference for this item was Mr. Tuttle's report dated December 4, 2003, which included a copy of the agreements. Mr. Tuttle explained that the two agreements are designed to

improve regional response to large-scale emergencies. The agreements have been under considerable review by the local attorneys in the region and they are now ready for adoption.

Mr. Tabb Moved that City Council Approve Resolution #03-22, Hampton Roads Metropolitan Medical Response System Metropolitan Medical Strike Team Response Memorandum of Understanding and the Hampton Roads Metropolitan Medical Response System Mutual Aid Agreement, and That the City Manager Be Authorized to Execute the Documents on Behalf of the City. The Motion Was Seconded by Mr. Haulman.

Recorded Vote on the Motion:

Ayes: Haulman, Scruggs, Zeidler, Houghland, Tabb

No: None

NEW BUSINESS

Appointments to Boards and Commissions

Mayor Zeidler informed Council that there were two new vacancies. One is on the Industrial Development Authority and another on the Olde Towne Medical Board. Council directed the Clerk of Council to advertise the vacancies.

OPEN FORUM

Mayor Zeidler opened the comment session.

No one wished to speak. The session was closed.

The meeting adjourned at 4:00 p.m.

Approved: January 8, 2004

Shelia Y. Crist, Clerk of Council

Jeanne Zeidler, Mayor